



**ORDINANCE NO. 6 2 6 5**

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF AUBURN, WASHINGTON, AMENDING  
CHAPTER 13.40 AND SECTION 12.04.050 OF THE  
AUBURN CITY CODE RELATING TO FACILITY  
EXTENSIONS

WHEREAS, Chapter 13.40 of the Auburn City Code sets forth the City's standards and procedures for the extensions of water, sewer, and stormwater facilities by developers, including the requirements for facility extension agreements and payback agreements; and

WHEREAS, the City Council wishes to clarify the terms used in Chapter 13.40 to better describe the types of facilities covered by the Chapter; and

WHEREAS, the City Council wishes to allow facility extension agreements for transportation facilities under Chapter 13.40 ; and

WHEREAS, ACC Section 12.04.050 sets forth requirements for the City's management of facility extension agreements, which duplicate those set forth in Chapter 13.40; and

WHEREAS, the City Council wishes to eliminate this duplication.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

**Section 1. Amendment to City Code.** That Chapter 13.40, Facility Extensions, of the Auburn City Code be and the same hereby is amended to read as follows:

Chapter 13.40  
FACILITY EXTENSIONS

Sections:

- 13.40.010 Definitions.
- 13.40.015 *Repealed.*
- 13.40.020 Facility extension agreement – Issuance authority – Application form.
- 13.40.030 Design plans requirements.
- 13.40.050 Fees.
- 13.40.060 Payback agreement - Utilities.

**13.40.010 Definitions.**

As used in this chapter:

- A. “Developer” shall be defined as a person, including corporations, firms, companies, individuals, government agencies or officials or any organization of any kind, who seeks to develop a property.
- B. “Facility extension” means the extension of water, and storm drainage, sanitary sewer, and/or transportation facilities belonging to the city.
- C. “Payback agreement” shall be defined as an agreement between the city and a developer for the sole purpose of reimbursing such developer for a pro rata portion of the original costs incurred by that developer for the installation of a facility extension for water, storm drainage, and/or sanitary sewer facilities to the extent such facilities benefit future connections or developments.
- D. “Water, Storm Drainage, or Sanitary sewer facilities” shall be defined as all improvements required for the operation and maintenance of the public system, including but not limited to defined as storm or sanitary sewers, pumping stations, conveyance, distribution and service lines, structures, storm drainage storage and treatment ponds/vaults, and disposal plants, water mains, hydrants, reservoirs, wells, or appurtenances thereto.
- E. “Transportation facilities” shall be defined as all improvements within public rights-of-way or easements required for the operation and maintenance of the City’s transportation network, including but not limited to, roadways, bikeways, pedestrian ways, lighting, signalization, bridges, walls, curb and gutter, sidewalks, channelization, signing, and other traffic control of safety devices, conduit, landscaping, and street furniture. (Ord. 5995 § 1, 2006; Ord. 5791 § 4, 2003; Ord. 3375 § 2, 1979.)

**13.40.015 Payback agreement defined.**

*Repealed by Ord. 5995. (Ord. 5791 § 4, 2003; Ord. 4759 § 1, 1995.)*

**13.40.020 Facility extension agreement – Issuance authority – Application form.**

The city engineer is delegated and authorized to develop, implement, execute and administer facility extension agreements with developers for transportation, sanitary sewer, water or storm drainage facilities ~~lines~~ within the applicable service areas and City jurisdictions. The city engineer shall provide an application form for the facility extension agreement to be filled out by each applicant. (Ord. 5995 § 1, 2006; Ord. 5791 § 4, 2003; Ord. 3375 § 3(A), 1979.)

**13.40.030 Design plans requirements.**

Plans covering the design of the facility extension shall be submitted for approval by the city upon application for the facility extension agreement, in conformance with the city of Auburn engineering design standards. (Ord. 5995 § 1, 2006; Ord. 5791 § 4, 2003; Ord. 5144 § 1, 1998; Ord. 3375 § 3(B), 1979.)

**13.40.050 Fees.**

The fees for facility extensions shall be included among the facility extension fees as established in the city of Auburn fee schedule. (Ord. 5995 § 1, 2006; Ord. 5819 § 3, 2004; Ord. 5791 § 4, 2003; Ord. 3375 § 4, 1979.)

**13.40.060 Payback agreement - Utilities.**

- A. The city engineer is authorized and directed to execute payback agreements for water, storm drainage and sanitary sewer facilities at the request of the developer upon city council approval. The agreement shall be executed in conformance with the facility extension requirements of this chapter.
- B. The payback reimbursement charge to other properties shall be based on the total project cost, figured on a front foot or area assessment basis, or other equitable method, as determined by the city, or any combination of these methods at the reasonable discretion of the city engineer. The project costs may include all applicable design and construction charges of the project submitted by the developer and approved by the city.
- C. All properties connecting to water, storm drainage and sanitary sewer facilities for which a payback agreement is in

force and which property has not been assessed the connection fee as provided in the payback agreement or has not borne an equitable share of costs of such public system shall be subject to a payback connection charge. The connection charge shall be based on a pro rata share of the costs as stated in the payback agreement at the reasonable discretion of the city engineer and approved by the city council. Payment of the payback charge shall be made in full to the city prior to connecting to the water, storm drainage, or sanitary sewer facilities.

- D. An administrative fee will be assessed for the processing of payback agreements as per the city of Auburn fee schedule. (Ord. 5995 § 1, 2006; Ord. 5954 § 1, 2005; Ord. 5903 § 1, 2005; Ord. 5791 § 4, 2003; Ord. 4759 § 1, 1995.)

**Section 2. Amendment to City Code.**

That Section 12.04.050 of

the Auburn City Code be and the same hereby is amended to read as follows:

12.04.050 Authorities for public infrastructure and right-of-way management.

- A. Develop and Publish City Engineering Standards. The city engineer or his/her designee shall develop, implement and publish engineering design standards manuals after review and approval by the public works committee. The city engineer or his/her designee shall develop, implement and publish engineering construction standards manuals and establish engineering standard construction practices for regulation of all work within the public way by all persons to include, but not limited to, franchise public/private utilities and entities possessing a right-of-way agreement and/or permit to assure the public's safety, welfare and interest is protected.
- B. Survey Record Controls. The city engineer or his/her designee shall develop office procedures for establishing horizontal and vertical control registration of existing and future development within the urban growth areas of the city. Procedures will utilize both city and private development record drawings and survey efforts to continue to maintain an accurate current database for future reference. The city will provide the most current benchmark geodetic survey data to new developers and for city construction projects at the administrative cost of providing the service, and require in exchange, at no cost to the city, the developer and/or city project sponsors to provide equal quality record drawings in

Autocadd drawing file format at completion of the development and/or city project to update records reflecting survey controls of the new development and/or city infrastructure.

- C. Subdivision Records. The city engineer or his/her designee shall develop office procedures for the safe keeping of record drawings of all recorded plats and short plats.
- D. Management of Record Drawings. The city engineer or his/her designee shall develop office procedures for the safe keeping of record drawings of all public transportation, water, sanitary sewer, and storm drainage infrastructure as defined in ACC 13.40.010.
- E. Management of Right-of-Way and, Easements, ~~and Extensions of Public Facilities by Private Developers~~. The city engineer or his/her designee shall develop office procedures for the safe keeping of record drawings of all public right-of-way, public access easements, city utility easements, cross drainage easements, and public facilities developed and dedicated to the city ~~by private developers~~.

The city engineer may accept easements granted to the city as part of an approved development project for city utilities, drainage, slope protection, public access, and right-of-way, and may also accept public facility extensions that are not dedicated through plats and short plats. After review by the public works committee, the city engineer may execute a release or partial release of any city utility, drainage, temporary road, or slope protection easements that are not needed or are no longer needed for city purposes. All other city-held easements shall be released only by city council action, and public right-of-way easements shall be subject to the vacation provisions set forth in Chapter 12.48 ACC, and in accordance with Chapter 35.79 RCW. ~~For management of developer facility extensions, the city engineer will develop procedures to receive developer fees and/or deposits, accounting for the costs of reviewing and approving developer plans, and inspection of construction work performed by the developer, and reimbursement of city costs by developer funds.~~ (Ord. 6013 § 1, 2006; Ord. 5042 § 1 (Exh. B), 1998.)

**Section 3. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

**Section 4. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 5. Effective date.** This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

CITY OF AUBURN

\_\_\_\_\_  
PETER B. LEWIS  
MAYOR

ATTEST:

\_\_\_\_\_  
Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Heid, City Attorney

Published: \_\_\_\_\_